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TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

BY: MKC / SCANNED BY: [Signature]

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

JAMIE BOHY,)	Case No.:
)	
Plaintiff,)	
)	
v.)	Hon.
)	
U.S. BANK NATIONAL ASSOCIATION)	
d/b/a Elan Financial Services a/k/a)	
Cardmember Services,)	
)	
Defendant.)	

1:15-cv-528

**Robert Holmes Bell
U.S. District Judge**

COMPLAINT

NOW COMES Plaintiff, JAMIE BOHY ("Plaintiff"), through her attorneys, KROHN & MOSS, LTD., and hereby alleges the following against Defendant, U.S. BANK NATIONAL ASSOCIATION d/b/a Elan Financial Services a/k/a Cardmember Services ("Defendant"):

INTRODUCTION

1. This action is brought by Plaintiff pursuant to the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 *et seq.*

JURISDICTION and VENUE

2. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 and 47 U.S.C. § 227.

3. Venue is proper pursuant before this Court pursuant to 28 U.S.C. § 1391(b)(2) as the acts and transactions giving rise to this action occurred in this district as Plaintiff resides in this district and Defendant transactions business in this district.

PARTIES

4. Plaintiff is a natural person at times relevant residing in Kent County in Wyoming, Michigan.

5. Defendant is a business entity headquartered in Minneapolis, Minnesota and conducting business in the State of Michigan.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

7. In 2014, Defendant began calling (906) 285-01xx, Plaintiff's cellular telephone.

8. These calls were to collect an alleged debt.

9. These calls were for non-emergency purposes.

10. Upon information and good faith belief, based on the frequency, number, nature and character of these calls, Defendant placed them by using an automatic telephone dialing system.

11. On December 26, 2014, Plaintiff instructed Defendant to stop calling her cell phone.

12. Plaintiff revoked prior express consent for Defendant to use an automatic telephone dialing system to call her cell phone.

13. Defendant continued to use an automatic telephone dialing system to call Plaintiff's cell phone.

14. Between January 15 and February 20, 2014, Defendant used an automatic telephone dialing system to call Plaintiff's cell phone at least ninety-two (92) times.

15. Defendant willfully and voluntarily used an automatic telephone dialing system to place these calls.

16. Defendant intended to use an automatic telephone dialing system to place these calls.

17. Defendant did not have Plaintiff's prior express consent to use an automatic telephone dialing system to place these calls.

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

18. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

19. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, JAMIE BOHY, respectfully requests judgment be entered against Defendant, U.S. BANK NATIONAL ASSOCIATION d/b/a Elan Financial Services a/k/a Cardmember Services, for the following

20. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

21. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);

22. All court costs, witness fees and other fees incurred; and

23. Awarding other and further relief as the Court may be just and proper.

Respectfully submitted,

Dated: May 18, 2015



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